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Attorneys for Defendant
JEROME TOY SINCLAIR

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEROME TOY SINCLAIR,

Defendants.

Case No. CR 09-00070 SBA

**STIPULATION AND ORDER RE:
CONTINUING STATUS
CONFERENCE AND EXCLUDING
TIME**

Defendant, by and through his attorney of record, and the Government, by and through its attorney of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 10 a.m. on Monday, January 31, 2011.

2. The parties request that this hearing be continued until 9:30 a.m. on March 2, 2011, in order to provide defendant's counsel with additional time to evaluate the evidence in this case and determine whether or not defendant should enter a change of plea or file motions and to prepare for trial in this matter.

3. Specifically, defendant's counsel needs the continuance in order to review discovery with defendant, investigate the case, and develop a motions and/or trial strategy in

light of the discovery. In addition, counsel for defendant requires additional time to conduct informant-related legal research and factual investigation so that defendant's counsel can determine whether or not to file a motion to exclude recordings or require informant testimony. The parties believe that failure to grant the above-requested continuance would deny defendant's counsel and defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence and that the ends of justice served by continuing the case as requested outweigh the interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.

4. Thus, the parties respectfully request that the Court find that the time period from January 31, 2011, to March 2, 2011, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

IT IS SO STIPULATED.

MELINDA HAAG
United States Attorney

/s/Garth Hire

Dated: January 26, 2011

GARTH HIRE
Assistant United States Attorney
Attorney for United States of America

/s/Michael Hinckley

Dated: January 26, 2011

MICHAEL HINCKLEY
Attorney for Defendant
Jerome Toy Sinclair

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled January 31, 2011, status conference hearing is vacated.

A status conference hearing is now scheduled for 9:30 a.m. on March 2, 2011, before this Court.

2. The time period from January 31, 2011, to March 2, 2011, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, as set forth above, taking into account due diligence.

Dated: 1/28/2011



HONORABLE DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE